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RUEKJCS/JOINT STAFF WASHINGTON DC IMMEDIATE  
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SUBJECT: MARINE CASE UPDATE 06/23/06

REF: MANILA 2577 AND PREVIOUS

¶1. (U) Summary. The trial of four U.S. Marines accused of raping a Filipina is proceeding slightly more slowly than anticipated, and may move to a five-day-a-week schedule in July. Developments during the week of June 19 included a concession by prosecutors that physical evidence in the case was mishandled and the testimony by NCIS and U.S. Navy personnel. Media coverage in the case is waning, and protests seem to have ceased altogether. Mission continues to provide support to ensure the safety of the Marines. End Summary.

¶2. (U) The trial of four U.S. Marines accused of raping a Filipina continued during the week of June 19. Judge Pozon has adjusted the court schedule so that sessions are now being held on Monday, Tuesday, Thursday, and Friday. The Prosecution is expected to continue presenting its case for at least another two weeks. The trial is running slightly behind schedule, and Judge Pozon may impose a 5-day-a-week schedule in July. As of June 16, Judge Pozon is no longer requiring either the defendants or the complainant to appear in court. June 22 was the first day that the complainant did not attend the trial. The attorneys for the four Marines have said that the Marines will continue to attend regardless of whether or not their attendance is compulsory.

¶3. (U) The most significant development in the trial this week is likely to be the concession by prosecutors that physical evidence in the case was mishandled by the Subic Bay Metropolitan Authority's Intelligence and Investigation Office (IIIO). IIIO officers testified on June 22 as to their handling of the physical evidence, including the complainants clothing and a condom found on the scene, immediately after she reported the incident. No semen was found in the condom or on the complainant's clothing, however.

¶4. (U) Singapore NCIS Special Agent Bruce Warshawsky and EN2 Christopher Mills (USN) testified on June 20. Warshawsky and Mills were the most recent American witnesses based outside the Philippines to be called to the stand. There are no immediate plans to call other such witnesses, and Mission is urging the court to accept depositions should other Americans outside the Philippines be required to testify in the case.

¶5. (U) Local media coverage of the case has remained factual while declining in overall visibility. The case is now off the front page of most dailies, and all newspapers are allocating fewer column-inches to coverage than in previous weeks. Protests outside the court have also ceased. The courtroom gallery, though seemingly populated with supporters of the complainant, has been well-behaved.

¶6. (U) Mission continues to provide security, citizen service, and other support to the Marines during the trial. Personnel from Third Marine Expeditionary Force (III MEF),

JUSMAG, Regional Security Office (RSO), and the Consular Section continue to attend all court sessions. RSO remains pleased with the extent and quality of security support, including a S.W.A.T. team, being provided by the local mayor's office and police department.

Kenney